IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.601 OF 2004
IN
ARBITRATION PETITION NO.431 OF 2002

M/s.Patel Experts .. Appellant.
V/s.
M/s.Ratilal Gokaldas .. Respondent.

Mr.Sanjay Jain i/b. Pillai & Co. for the appellant.
Mr.Narendra Jain i/b. S.K. Jain for the respondent.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 29TH SEPTEMBER, 2004.

P.C. :

Heard the learned counsel for the appellant.

2. The learned single Judge observed that in the statement of defence signed by the present appellant before the arbitral tribunal, jurisdiction plea was not raised. In the statement of defence, admittedly plea of jurisdiction is not raised. In view thereof, the finding of the learned Single Judge that no fault can be found with the arbitral tribunal in not considering the plea of jurisdiction cannot be said to suffer from any legal infirmity.

3. The other contention raised before the learned single Judge was that the arbitral tribunal looked into some documents which were not on record or that some documents were considered after the matter was closed for order. The learned single Judge observed that the said plea cannot be allowed to be raised since the appellant despite opportunity failed to appear before the tribunal. We do not find any infirmity in the consideration of the matter by the learned single Judge.

4. Dismissed in limine.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)